

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5672**

66th Legislature  
2019 Regular Session

Passed by the Senate April 25, 2019  
Yeas 31 Nays 17

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**President of the Senate**

Passed by the House April 17, 2019  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5672** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5672**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Cleveland, O'Ban, Walsh, Wellman, Darneille, Dhingra, Hunt, Keiser, Frockt, Kuderer, Nguyen, and Saldaña)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to adult family home specialty services; amending  
2 RCW 70.128.010 and 70.128.230; adding new sections to chapter 70.128  
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.128  
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this  
8 specific purpose, the developmental disabilities administration  
9 within the department shall work with stakeholders to design and  
10 implement services for individuals living in adult family homes who  
11 have a primary need of care related to a developmental or  
12 intellectual disability. These services must be enhancements or in  
13 addition to services currently available, and designed to meet the  
14 specific provisions related to the assessment, environment,  
15 regulations, provision of care, and training requirements. These  
16 services must be enhancements or in addition to services currently  
17 available, and designed to support an intentional environment to  
18 improve resident quality of life, promote resident safety, including  
19 protecting safety in relationships between residents, increase  
20 resident length of stay, clarify regulations, streamline training  
21 requirements, reduce the need for institutional settings, and attract

1 more adult family home providers to develop such highly needed  
2 resources. The recommendations for these services must be completed  
3 by June 1, 2020, for consideration and implementation in the  
4 2021-2023 biennium.

5 (2) Subject to the availability of amounts appropriated for this  
6 specific purpose, the aging and long-term support administration  
7 within the department shall work with stakeholders to design and  
8 implement proposed services for individuals living in adult family  
9 homes that are dedicated solely to the care of individuals with  
10 dementia, including Alzheimer's disease. These services must be  
11 enhancements or in addition to services currently available, and  
12 designed to include specific provisions related to the assessment,  
13 environment, regulations, provision of care, and training  
14 requirements. These services must be designed to support an  
15 intentional environment to improve resident quality of life, promote  
16 resident safety, including protecting safety in relationships between  
17 residents, increase resident length of stay, clarify regulations,  
18 streamline training requirements, reduce the need for institutional  
19 settings, and attract more adult family home providers to develop  
20 such highly needed resources. The recommendations for these services  
21 must be completed by June 1, 2020, for consideration and  
22 implementation in the 2021-2023 biennium.

23 **Sec. 2.** RCW 70.128.010 and 2007 c 184 s 7 are each amended to  
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout this chapter.

27 (1) "Adult family home" means a residential home in which a  
28 person or persons provide personal care, special care, room, and  
29 board to more than one but not more than six adults who are not  
30 related by blood or marriage to the person or persons providing the  
31 services.

32 (2) "Provider" means any person who is licensed under this  
33 chapter to operate an adult family home. For the purposes of this  
34 section, "person" means any individual, partnership, corporation,  
35 association, or limited liability company.

36 (3) "Department" means the department of social and health  
37 services.

38 (4) "Resident" means an adult in need of personal or special care  
39 in an adult family home who is not related to the provider.

1 (5) "Adults" means persons who have attained the age of eighteen  
2 years.

3 (6) "Home" means an adult family home.

4 (7) "Imminent danger" means serious physical harm to or death of  
5 a resident has occurred, or there is a serious threat to resident  
6 life, health, or safety.

7 (8) "Special care" means care beyond personal care as defined by  
8 the department, in rule.

9 (9) "Capacity" means the maximum number of persons in need of  
10 personal or special care permitted in an adult family home at a given  
11 time. This number shall include related children or adults in the  
12 home and who received special care.

13 (10) "Resident manager" means a person employed or designated by  
14 the provider to manage the adult family home.

15 (11) "Adult family home licensee" means a provider as defined in  
16 this section who does not receive payments from the medicaid and  
17 state-funded long-term care programs.

18 (12) "Adult family home training network" means a nonprofit  
19 organization established by the exclusive bargaining representative  
20 of adult family homes designated under RCW 41.56.029 with the  
21 capacity to provide training, workforce development, and other  
22 services to adult family homes.

23 NEW SECTION. Sec. 3. A new section is added to chapter 70.128  
24 RCW to read as follows:

25 (1) If the department has any contracts for personal care  
26 services with any adult family home represented by an exclusive  
27 bargaining representative:

28 (a) Effective July 1, 2020, training required under this chapter  
29 for adult family homes must be available through an adult family home  
30 training network.

31 (b) The exclusive bargaining representative shall designate the  
32 adult family home training network.

33 (c) The parties to the collective bargaining agreement must  
34 negotiate a memorandum of understanding to provide for contributions  
35 to the adult family home training network. Contributions to the adult  
36 family home training network must begin no sooner than January 1,  
37 2020. Contributions to the adult family home training network for  
38 fiscal year 2021 must be limited to no more than the amount

1 appropriated for training in the 2019-2021 collective bargaining  
2 agreement.

3 (d) Contributions must be provided to the adult family home  
4 training network through a vendor contract executed by the  
5 department.

6 (e) The adult family home training network shall provide reports  
7 as required by the department verifying that providers have complied  
8 with all training requirements.

9 (2) Nothing in subsection (1) of this section:

10 (a) Limits the ability of a department-approved training entity  
11 or instructor to provide training to an adult family home provider,  
12 resident manager, or caregiver;

13 (b) Requires that a department-approved training entity or  
14 instructor contract with an adult family home training network; or

15 (c) Prevents an adult family home provider, resident manager, or  
16 caregiver from receiving training from a department-approved training  
17 entity or instructor.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.128  
19 RCW to read as follows:

20 (1) By December 1, 2020, the department shall report to the  
21 appropriate committees of the legislature on the status of the adult  
22 family home training network.

23 (2) This section expires July 1, 2021.

24 **Sec. 5.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to  
25 read as follows:

26 (1) The definitions in this subsection apply throughout this  
27 section unless the context clearly requires otherwise.

28 (a) "Caregiver" includes all adult family home resident managers  
29 and any person who provides residents with hands-on personal care on  
30 behalf of an adult family home, except volunteers who are directly  
31 supervised.

32 (b) "Indirect supervision" means oversight by a person who has  
33 demonstrated competency in the core areas or has been fully exempted  
34 from the training requirements pursuant to this section and is  
35 quickly and easily available to the caregiver, but not necessarily  
36 on-site.

37 (2) Training must have three components: Orientation, basic  
38 training, and continuing education. All adult family home providers,

1 resident managers, and employees, or volunteers who routinely  
2 interact with residents shall complete orientation. Caregivers shall  
3 complete orientation, basic training, and continuing education.

4 (3) Orientation consists of introductory information on  
5 residents' rights, communication skills, fire and life safety, and  
6 universal precautions. Orientation must be provided at the facility  
7 by appropriate adult family home staff to all adult family home  
8 employees before the employees have routine interaction with  
9 residents.

10 (4) Basic training consists of modules on the core knowledge and  
11 skills that caregivers need to learn and understand to effectively  
12 and safely provide care to residents. Basic training must be outcome-  
13 based, and the effectiveness of the basic training must be measured  
14 by demonstrated competency in the core areas through the use of a  
15 competency test. Basic training must be completed by caregivers  
16 within one hundred twenty days of the date on which they begin to  
17 provide hands-on care. Until competency in the core areas has been  
18 demonstrated, caregivers shall not provide hands-on personal care to  
19 residents without direct supervision.

20 (5) For adult family homes that serve residents with special  
21 needs such as dementia, developmental disabilities, or mental  
22 illness, specialty training is required of providers and resident  
23 managers.

24 (a) Specialty training consists of modules on the core knowledge  
25 and skills that providers and resident managers need to effectively  
26 and safely provide care to residents with special needs. Specialty  
27 training should be integrated into basic training wherever  
28 appropriate. Specialty training must be outcome-based, and the  
29 effectiveness of the specialty training measured by demonstrated  
30 competency in the core specialty areas through the use of a  
31 competency test.

32 (b) Specialty training must be completed by providers and  
33 resident managers before admitting and serving residents who have  
34 been determined to have special needs related to mental illness,  
35 dementia, or a developmental disability. Should a resident develop  
36 special needs while living in a home without specialty designation,  
37 the provider and resident manager have one hundred twenty days to  
38 complete specialty training.

39 (6) Continuing education consists of ongoing delivery of  
40 information to caregivers on various topics relevant to the care

1 setting and care needs of residents. Competency testing is not  
2 required for continuing education. Continuing education is not  
3 required in the same calendar year in which basic or modified basic  
4 training is successfully completed. Continuing education is required  
5 in each calendar year thereafter. If specialty training is completed,  
6 the specialty training applies toward any continuing education  
7 requirement for up to two years following the completion of the  
8 specialty training.

9 (7) Persons who successfully (~~challenge~~) complete the  
10 competency challenge test for basic training are fully exempt from  
11 the basic training requirements of this section. Persons who  
12 successfully (~~challenge~~) complete the specialty training competency  
13 challenge test are fully exempt from the specialty training  
14 requirements of this section.

15 (8) (a) Registered nurses and licensed practical nurses licensed  
16 under chapter 18.79 RCW are exempt from any continuing education  
17 requirement established under this section.

18 (b) The department may adopt rules that would exempt licensed  
19 persons from all or part of the training requirements under this  
20 chapter, if they are (i) performing the tasks for which they are  
21 licensed and (ii) subject to chapter 18.130 RCW.

22 (9) In an effort to improve access to training and education and  
23 reduce costs, especially for rural communities, the (~~coordinated~~  
24 ~~system of long-term care training and education~~) adult family home  
25 training network must include the use of innovative types of learning  
26 strategies such as internet resources, videotapes, and distance  
27 learning using satellite technology coordinated through community  
28 colleges, private associations, or other entities, as defined by the  
29 department.

30 (10) The adult family home training network shall assist adult  
31 family homes that desire to deliver facility-based training with  
32 facility designated trainers, or adult family homes that desire to  
33 pool their resources to create shared training systems(~~(, must be~~  
34 ~~encouraged by the department in their efforts)~~). The department shall  
35 develop criteria for reviewing and approving trainers and training  
36 materials. The department may approve a curriculum based upon  
37 attestation by an adult family home administrator that the adult  
38 family home's training curriculum addresses basic and specialty  
39 training competencies identified by the department, and shall review  
40 a curriculum to verify that it meets these requirements. The

1 department may conduct the review as part of the next regularly  
2 scheduled inspection authorized under RCW 70.128.070. The department  
3 shall rescind approval of any curriculum if it determines that the  
4 curriculum does not meet these requirements.

5 (11) The department shall adopt rules by September 1, 2002, for  
6 the implementation of this section.

7 (12)(a) Except as provided in (b) of this subsection, the  
8 orientation, basic training, specialty training, and continuing  
9 education requirements of this section commence September 1, 2002,  
10 and shall be applied to (i) employees hired subsequent to September  
11 1, 2002; or (ii) existing employees that on September 1, 2002, have  
12 not successfully completed the training requirements under RCW  
13 70.128.120 or 70.128.130 and this section. Existing employees who  
14 have not successfully completed the training requirements under RCW  
15 70.128.120 or 70.128.130 shall be subject to all applicable  
16 requirements of this section.

17 (b) Beginning January 7, 2012, long-term care workers, as defined  
18 in RCW 74.39A.009, employed by an adult family home are also subject  
19 to the training requirements under RCW 74.39A.074.

20 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
21 this act, referencing this act by bill or chapter number, is not  
22 provided by June 30, 2019, in the omnibus appropriations act, this  
23 act is null and void.

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